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5	UNITED STATES DISTRICT COURT
6	DISTRICT OF NEVADA
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8	KEITH SULLIVAN,)
9	Petitioner, 3:09-cv-0264-HDM-RAM
10	vs. ORDER
11	JAMES BENEDETTI, et al.,
12	Respondents.)
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14	Petitioner has filed a motion seeking to reopen this habeas corpus case (ECF No. 28).
15	Respondents have responded to the motion (ECF No. 27) indicating no objection and stating the
16	intention to reserve any defenses or objections to the claims raised.
17	This action was dismissed without prejudice, and the case closed administratively,
18	pursuant to an Order entered March 18, 2012 (ECF No. 21). The dismissal resulted from
19	petitioner's request for stay order to allow him to return to state court to exhaust his state-court
20	remedies with respect to certain of his grounds for relief. In the Order dismissing the case, the
21	Court indicated that this case is subject to being reopened upon a motion by petitioner. See id.
22	Petitioner's further state-court proceedings have apparently concluded, and petitioner
23	has now returned to this Court seeking to reopen this case. Respondents do not object to the case
24	being reopened. The Court will therefore grant petitioner's motion to reopen this case.
25	Petitioner has also filed a new application to proceed in forma pauperis (ECF No.
26	24), a new petition (ECF No. 25) and a motion for appointment of counsel (ECF No. 26). The

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1	application for <i>in forma pauperis</i> status shall be granted, but no new fee is due.
2	Petitioner's third motion for appointment of counsel shall be denied on the same
3	grounds as the Court previously cited. <i>See</i> Orders denying counsel, ECF No. 3 and 10.
4	IT IS THEREFORE ORDERED that petitioner's Motion to Reopen Case (ECF No.
5	28) is GRANTED .
6	IT IS FURTHER ORDERED that the Clerk shall REOPEN THIS FILE.
7	IT IS FURTHER ORDERED that Respondents shall have forty-five (45) days
8	from entry of this order to answer or otherwise respond to the petition found in the court record at
9	ECF No. 25. Thereafter, petitioner shall have thirty days to respond.
10	IT IS FURTHER ORDERED that the application to proceed in forma pauperis
11	(ECF No. 24) is GRANTED. The motion for appointment of counsel (ECF No. 26) is DENIED.
12	Dated this 29th day of October, 2012.
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14	Howard DMEKiller
15	UNITED STATES DISTRICT JUDGE
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